

A N
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Explain and Amend the several Laws
made in this Kingdom, for the
effectual Preservation of Salmon,
Fish, and Fry; and for the better
Improvement of the Herring-
Fishery.



D U B L I N :

Printed by the Executor of GEORGE ABRAHAM GRIERSON,
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CHAP.
III.

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TO

Improve and settle the
lands in the District of
Columbia, and for the
better regulation of the
same.



BY

Printed by
G. W. Wood
at the
Office of the
District of Columbia

A N
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T O

Explain and Amend the several Laws
made in this Kingdom, for the more
Effectual Preservation of Salmon,
Fish, and Fry; and for the better
Improvement of the Herring-Fishery.

C H A P. XIII.

WHEREAS the Laws now in C H A P.
Force for Preservation of Sal- XIII.
mon in the Spawning Season, 
are found to be ineffectual;

For Remedy whereof, Be it Enacted by
the King's Most Excellent Majesty, by
Jii 2 and

CHAP. and With the Advice and Consent of the
 XIII. Lords Spiritual and Temporal, and Com-
 mons in this present Parliament Assem-
 bled, and by the Authority of the same,
 That from and after the Twenty fifth
 Day of March, One thousand seven hun-
 dred and fifty eight, no Person Whatso-
 ever shall, at any Time between the
 Twelfth Day of August and First Day of
 February, in any Year, fish in any River
 with any Net, Fishing-Rod, or other In-
 strument, or Carry on the Bank of any
 River, any Cast, Loop, Net, Litter, or
 Spear, or any other Instrument for Kil-
 ling of Salmon; and if any Person shall
 Offend herein, every such Offender, being
 thereof Convicted, by Confession, or by the
 Testimony of One sufficient Witness,
 upon Oath, before some One Justice of the
 Peace for the County where such Offence
 shall be Committed, (which Oath such
 Justice of the Peace is hereby Impowered
 and Required to Administer) shall, for every
 such Offence, Forfeit the Sum of Five
 Pounds, Sterling, to be Levied by the War-
 rant of such Justice, by Distress and Sale
 of the Offenders Goods; and if no suf-
 ficient Distress can be found, the Offender
 shall, by the like Warrant, be Committed
 to the County Goal, there to remain,
 without Bail or Mainprize, for such Time,
 not exceeding Three Months, nor less than
 One

One Month, as such Justice of the Peace CHAP
XXX
shall Appoint, unless the said Forfeitures
shall in the mean Time be paid, in which
Case, the Offender shall be Enlarged, and
it shall and may be lawful, for and for
any Person or Persons, to Apprehend, and
Carry every such Offender before the next
Justice of the Peace, for the County where
such Offence shall be Committed, together
with such of the said Instruments as shall
be found in his hands, without any War-
rant, other than the Authority hereby
Given.

And be it further Enacted by the Autho-
rity aforesaid, That every Proprietor, or
Farmer, of any Salmon Fishery, or other
Person whatsoever, who shall, at any Time
between the Twelfth of August and first
Day of January, in any Year, Kill, or
Take, or be Aiding or Abetting, or Acces-
sary to the Killing, or Taking of Sal-
mon in any River, being thereof Convicted,
by Confession, or by the Testimony of Two
sufficient Witnesses, upon Oath, before any
Justice of the Peace, for the County where
such Offence shall be Committed (which
Oath such Justice of the Peace is hereby
Impowered and Required to Administer)
shall, for every Salmon so Killed or Taken,
Forfeit the Sum of Forty Shillings, to be
Levied by the Warrant of such Justice,
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CHAP. by Distress and Sale of the Offenders
XIII. Goods. so as such Forfeiture, upon any
 One Conviction, do not exceed the Sum of
 Twenty Pounds, Sterling: Or if any Per-
 son or Persons shall, in the Night-time,
 from the Twelfth Day of August to the
 first Day of February, in any Year, make
 Use of any lighted Torch, or any Light,
 in any River, Banks of a Ford in any
 River, or Water-Course leading to a
 River, with Intention to Kill, or Take
 Salmon, being thereof Convicted, as afore-
 said, such Person or Persons shall, for every
 Offence, Forfeit the Sum of five Pounds,
 to be Sued for, and Recovered, in Man-
 ner herein before Directed, to be paid to
 the Person or Persons Discovering the
 same; and that the making Use of any
 such lighted Torch, or any other Light,
 in Manner aforesaid, is hereby Declared to
 be Evidence of such Intention, against the
 Person or Persons on whom the same shall
 be found, unless the Contrary shall ap-
 pear: And if no sufficient Distress shall be
 found, the Offender shall, by Warrant
 under the Hand and Seal of the Justice
 of the Peace before whom such Offender
 shall be Convicted, be Committed to the
 County Goal, there to remain, without
 Bail or Mainprize, for any Time, not
 exceeding Six Months, and not less than
 Three Months.

Provided

Provided alwayes, That nothing herein C H A P. XIII.
 Contained, shall Extend, or be construed to
 Extend, to the Rivers Rathmalton, Lackagh,
 Donnegall, Bundrouse, all in the County of
 Donnegall; the River of Sligo; the River
 Shannon, from the Sea to the Island of
 Saint Thomas, above the Salmon-Wyer,
 belonging to the City of Limerick; the
 River Boyne, Lough-Lean, the Rivers of
 Lanne and Caragh, in the County of Kerry;
 the River Lee, which runs to the City of
 Cork; and the River Bisk, in the County
 of Antrim; the River Newport, in the County
 of Mayo; and also the River Feal, in the
 County of Kerry; but that it shall and
 may be lawfull to and for any Person or
 Persons, Qualified or Impowered to fish
 for Salmon in the said River Feal, to Kill
 and Take Salmon in the said River,
 from the first Day of February to the
 Twentieth Day of October, in every Year;
 And that if any Person or Persons shall
 Kill, or Take, or be Aiding, Abetting, or
 Accessary to the Killing or Taking of
 Salmon in the said River, between the
 Twentieth Day of October and the first
 Day of February, in any Year, such Person
 or Persons so Offending, shall, for every
 such Offence, be, and are hereby made liable
 to the severall and respective Penalties herein
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before

CHAP. before mentioned, to be Sued for, and Re-
XIII. covered in Manner herein before Directed.

And whereas Salmon fry have often been Destroyed by Nets, Set at Eel Wyers, and other Wyers, and Mill Courses, on Pretence of Fishing for Eels, in Seasons of the Year Improper for such Eel Fishing; Be it Enacted by the Authority aforesaid, That from and after the Twentry fifth Day of March, One thousand seven hundred and fifty eight, all and every Person and Persons, who shall at any Time, between the First Day of March and First Day of June, in any Year, Set any Nets, Cobill Net, Cleave, or any other Instrument or Engine, with a Pretence to take Eels, whereby Salmon fry may be taken and Destroyed, or Fish, or be Aiding or Abetting, or Accessary to the Fishing, with any Set or Fixed Net, or Cobill Net, in any River, or in any Lake, or Water-Course, leading from any River, being thereof Convicted by Confession, or by the Testimony of One sufficient Witness upon Oath, before any Justice of the Peace for the County where such Offence shall be Committed (which Oath such Justice of the Peace is hereby Impowdered and Required to Administer) shall, for every such Offence, Forfeit the Sum of Ten Pounds Sterling, to be Levied

Levied by the Warrant of such Justice, C H A P.
by Distress and Sale of the Offenders XIII.
Goods; and if no sufficient Distress can
be found, the Offender shall, by the like
Warrant, be committed to the County
Goal, there to Remain without Bail or
Mainprize, for such Time, not exceeding
Six Months, nor less than Three
Months, as such Justice shall Appoint,
unless such Forfeiture shall in the mean
Time be Paid, in Which Case the Offen-
der shall be Enlarged.

Provided alwayes, and be it further En-
acted by the Authority aforesaid, That
where any of the Offences, mentioned in this
Act, shall be Committed, in, or upon any
River mearing between two Counties,
such Offence shall and may be Prose-
cuted in either of such Counties.

And be it further Enacted by the Au-
thority aforesaid, That the several For-
feitures before mentioned, shall go to the
first Informer, who shall Prosecute the
respective Offenders to Conviction.

Provided alwayes, That every Prosecution
grounded on this Act, shall be Com-
menced Within Three Kalendar Months
next, after the Offence Committed.

C H A P. Provided alwayes, That nothing herein
XIII. Contained, shall Repeal any of the
 ~~~~~ **Laws** now in Being, relating to the  
 Taking of Salmon, or Salmon Fry, but  
 that the same shall continue in full Force,  
 as if this Act had not been made, so as  
 that no Person shall be Convicted more  
 than once for the same Offence.

And Whereas the Fishing for Herrings  
 upon the Coasts of this Kingdom in the  
 the Day Time, is very Prejudicial to the  
 Herring Fisheries in General; Be it En-  
 acted by the Authority aforesaid, That  
 from and after the First Day of June,  
 One thousand seven hundred and fifty  
 eight, no Person or Persons whatsoever,  
 shall in the Day Time (that is to say)  
 from Sun-Rise to Sun-Set, Fish for, or  
 Kill any Herrings, in any Harbour, on  
 any Coast in this Kingdom, by Casting  
 of any Net or Nets for that Purpose,  
 under the Penalty of Forfeiting the Sum of  
 Five Pounds for each Offence, to be Reco-  
 vered in Manner herein before mentioned.

And be it further Enacted by the Autho-  
 rity aforesaid, That if any Person or Per-  
 sons shall be Sued, for any Thing done  
 in Pursuance of this Act, such Person or  
 Persons shall and may Plead the General  
 Issue,

Issue, and give the special Matter in CHAP.  
Evidence; and if the Plaintiff or Plaintiffs XIII.  
in any such Action or Suit, shall be Non-  
sued, or if Judgment shall be given a-  
gainst him or them upon Demurrer, or if  
a Verdict shall be given for the Defendant  
or Defendants therein, such Defendant or  
Defendants shall have his or their Costs,  
to be Recovered in such Manner as where  
Costs are by Law given to Defendants.

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